

New Zealand.

ANALYSIS.

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1915, No. 75.

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AN ACT to amend the Law relating to Crown and other Lands.

[12th October, 1915.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Land Laws Amendment Act, 1915, and shall form part of and be read together with the Land Act, 1908 (hereinafter referred to as the principal Act).

2. Section fifteen of the principal Act is hereby amended:—

(a.) By adding to subsection one thereof the following proviso:—

“Provided further that where in the opinion of the Minister it is inexpedient by reason of the fact that any side or cross road in any such town as aforesaid is in a portion of the town intended to be used wholly for residential purposes that such road should be of a width of sixty-six feet, he may by notice in the *Gazette* authorize the laying-off of such road of such less width than sixty-

Short Title.

Section 15 of principal Act amended.

six feet as he thinks fit, and in any such case it shall not be lawful for any person to erect or cause to be erected any building at a less distance than thirty-three feet from the middle-line of such road"; and

(b.) By inserting, after subsection one, the following subsection:—

"(1a.) Any person who erects or causes to be erected any building in breach of the provisions of this section shall be liable on summary conviction to a fine of one hundred pounds, and may, on the order of a Stipendiary Magistrate made on the application of the Chief Surveyor of the district, be compelled to remove at his own expense any building so erected."

3. Section sixty-four of the principal Act is hereby amended—

Section 64 of
principal Act
amended.

(a.) By inserting, after the word "dispense" in the proviso to paragraph (a), the words "in whole or in part"; and

(b.) By inserting, after the word "shall" in paragraph (f), the words "except in cases where the survey deposit has been dispensed with, in whole or in part, as hereinbefore provided."

4. For the purposes of section one hundred and sixteen of the principal Act (relating to the rebate of rent) every instalment of rent shall be deemed to have been paid within one month after the day appointed for the payment thereof if within that time it is in course of transmission to the Receiver, though not actually received by him.

Section 116 of
principal Act
(relating to rebates
of rent) modified.

5. (1.) Any amount for the time being outstanding in respect of rent postponed pursuant to section thirteen of the Land Laws Amendment Act, 1912, may, on the application of the tenant, with the approval of the Board and the consent of the Minister, be added to the capital value of the land, and the rent payable under the lease or license shall thereupon be increased accordingly as from a date to be determined by the Board.

Capitalization of
postponed rents.

(2.) On any revaluation under section fifteen of this Act, and notwithstanding anything in that section, the amount added to the capital value of any land under this section shall, for the purpose of determining the rent to be paid by any lessee or licensee, be added to the capital value as determined pursuant to the said section fifteen.

6. Sales under section one hundred and thirty-two of the principal Act may, with the consent of the Board, be either for cash or on deferred payments, and where any land is sold on deferred payments the following provisions shall apply:—

Provision for sales
on deferred
payment of land
under section 132 of
principal Act.

(a.) The purchaser shall forthwith on the acceptance of his offer pay a deposit equal to five per centum of the price of the land, and shall thereupon be entitled to receive a license to occupy the said land:

(b.) The license to occupy shall provide for the payment of the balance of ninety-five per centum of the price by equal annual instalments extending over a period of nineteen years, with a right to the licensee to pay off at any time the whole or any part of the price then remaining unpaid,

and shall also provide for the payment by the licensee of interest half-yearly at the rate of five per centum per annum from the date of the purchase upon such part of the price as for the time being remains unpaid:

- (c.) The license to occupy shall be in the prescribed form, and shall contain, and the right of the licensee shall be subject to, such provisions for forfeiture of the right and interest of the licensee in the event of his failure to pay any instalment of the price or to make any payment of interest as may be prescribed:
- (d.) Upon payment of the price in full, and of all interest, the purchase shall be deemed to be completed.

7. Section one hundred and forty-one of the principal Act is hereby amended as follows:—

- (a.) By omitting all the words after the word "system" in subsection one, and inserting the following: "and may from time to time exclude any lands from the area so set apart, and set apart other lands in lieu thereof:
"Provided that the area so set apart shall not at any time exceed fifty thousand acres":
- (b.) By omitting from the proviso to subsection two the words "or shall include any right of renewal," and substituting the words "with a right of renewal for a further term of twenty-one years at a rent to be determined by arbitration."

8. Section one hundred and forty-seven of the principal Act is hereby amended by omitting from paragraph (a) thereof the words "the Road Board of the adjacent district if the access is from or through that district," and substituting the words "the Council of the adjacent county or the Road Board of the adjacent road district, if the access is from or through that county or district."

9. Section one hundred and sixty-five of the principal Act is hereby repealed.

10. Section two hundred and ten of the principal Act is hereby amended by adding the following proviso to subsection one:—

"Provided that if any lessee under this Part of this Act satisfies the Board that the area held by him is too limited, having regard to the quality of the land, for the sufficient maintenance of himself and his family, or is too limited to allow of the proper working of the run, the Board may, with the consent of the Minister, allow him to take up under this Part of this Act, without competition, such additional area as the Board thinks fit."

11. For the purposes of section two hundred and forty-four of the principal Act as amended by section fifty-five of the Land Laws Amendment Act, 1913, the expression "substantial improvements of a permanent character" shall be deemed to include bridges.

12. Section two hundred and fifty-four of the principal Act is hereby amended as follows:—

- (a.) By inserting, after the words "accept the surrender of," the words "the whole or any portion of the land comprised in"; and
- (b.) By omitting all words after the word "respectively."

Section 141 of
principal Act
amended.

Section 147 of
principal Act
amended.

Repeal.

Section 210 of
principal Act
amended.

Improvements on
pastoral runs.

Section 254 of
principal Act
amended.

13. Section nineteen of the Land Laws Amendment Act, 1912, is hereby amended by inserting, after the word "eleven" in paragraph (a) of subsection one, the words "one hundred and thirty-one." Section 19 of Land Laws Amendment Act, 1912, amended.

14. Subsection two of section sixty of the Land Laws Amendment Act, 1912, is hereby amended as follows:— Section 60 of Land Laws Amendment Act, 1912, amended.

(a.) By inserting, after the words "any person," the words "or the wife or husband of any person"; and

(b.) By adding the following proviso:—

"Provided further that nothing in this subsection shall apply or be deemed to have applied to any allotment of land not exceeding five acres in extent."

15. (1.) The lessee or licensee of any rural land which has been selected under Part III of the principal Act or under the Land for Settlements Act, 1908, may, subject to the provisions of this section, and on payment of a valuation fee to be prescribed by the Minister, apply to the Board for a revaluation of the land comprised in his lease or license. Provision for revaluation of rural Crown lands.

(2.) Upon receipt of any such application the Board shall forthwith submit the same to a committee consisting of the following members, namely:—

(a.) The Commissioner of Crown Lands for the district in which the land is situated;

(b.) A Valuer under the Valuation of Land Act, 1908, to be appointed by the Minister for the purposes of this section; and

(c.) One other person to be appointed for the purpose by the Minister.

(3.) The said committee shall forthwith proceed to consider the application, and for that purpose shall hear such evidence as it thinks fit, and in particular shall value the said land, showing separately the value of improvements effected by the lessee and the capital value of the land exclusive of such improvements.

(4.) If the value of the land as so determined, exclusive of the value of improvements, is less than the original capital value of the land upon which the rent is based, the rent payable under the lease or license in respect of the said land shall, as from the first day of January or the first day of July next following the date of such determination, be reduced proportionately.

(5.) The value of any land as determined by this section shall be such value as may be agreed on by the members of the Committee. In the event of the members being unable to agree the value may be fixed by any two members of the Committee; and, if no two members are able to agree, the value shall, notwithstanding anything to the contrary in this section, be fixed by the Minister.

(6.) No application under this section shall be received by the Board unless the applicant has been in occupation of the land to which his application relates for not less than three years nor more than six years immediately preceding the date of the application.

(7.) Where an application is made to the Board for its consent to the transfer of any lease or license of settlement lands in respect of which the rent has been reduced under this section or under section thirteen of the Land Laws Amendment Act, 1913, the Board

may, with the approval of the Minister, as a condition of its consent to such transfer, require the transferor to pay into the Public Account an amount equal to the difference between the rent actually paid by him and the rent that would have been paid if the rent had not been reduced as aforesaid, or such less amount as it thinks equitable. All moneys paid into the Public Account pursuant to this subsection shall for all purposes be deemed to be rent accruing from the land and shall be disposed of accordingly.

(8.) This section shall not apply to any land which has been or may hereafter be acquired by the Governor pursuant to the provisions of section forty-one of the Land Laws Amendment Act, 1914.

(9.) Applications made under section thirteen of the Land Laws Amendment Act, 1913, and pending on the passing of this Act shall be determined in accordance with the provisions of this section.

Repeals.

(10.) This section is in substitution for section thirteen of the Land Laws Amendment Act, 1913, and that section and section fourteen of the Land Laws Amendment Act, 1914, are hereby repealed.

Section 56 of Land Laws Amendment Act, 1913, amended.

16. Section fifty-six of the Land Laws Amendment Act, 1913, is hereby amended as follows:—

(a.) By inserting, after the words "for pastoral purposes," the words "for any specified term"; and

(b.) By omitting the words "for a similar term to that of the expired license," and substituting the words "for the term so specified."

Payment of survey fees in case of lands other than Crown lands.

17. Notwithstanding anything in section sixty-three of the Land Laws Amendment Act, 1913, the cost of the survey of any land administered by a Land Board (not being Crown land) may be paid out of moneys set aside pursuant to that section, in addition to the cost of the formation and construction of roads and bridges for the purpose of affording access to that land.

Section 27 of Land Laws Amendment Act, 1914, restricted.

18. (1.) Section twenty-seven of the Land Laws Amendment Act, 1914, shall not apply so as to confer on any outgoing lessee or licensee who is an absentee within the meaning of this section any right to a lease or license over any subdivision, or any right to purchase any such subdivision.

(2.) Every person shall be deemed to be an absentee for the purposes of this section unless he has been personally present in New Zealand for at least one-half of the period of four years immediately preceding the date of the expiry of his lease or license:

Provided that this section shall not apply in the case of any lessee or licensee whose absence from New Zealand is due to the fact that he is or was a member of any Expeditionary Force raised in New Zealand for the purposes of the present war.

Acquisition of fee-simple of Crown lands in mining districts.

19. (1.) Notwithstanding anything to the contrary in the principal Act, the owner of a lease or license of any Crown land (not being national-endowment land or land in respect of which any mining privilege has been granted and continues in force) issued under Part VIII of that Act, or under the Mining Districts Land Occupation Act, 1894, who has complied with all the conditions of his lease or license, may at any time during the currency thereof acquire the fee-simple of the land comprised in his lease or license, and the

provisions of sections twenty-eight and twenty-nine of the Land Laws Amendment Act, 1913 (relating to the acquisition of the fee-simple of pastoral lands in the Hauraki Mining District), shall, *mutatis mutandis*, apply to the acquisition of the fee-simple under this section.

(2.) For the purposes of this section the original capital value of the land comprised in any lease or license to which this section relates shall be deemed to be the amount of the annual rent reserved by the lease or license capitalized at the rate of five per centum.

20. Section twenty-eight of the Land Laws Amendment Act, 1913, is hereby amended by inserting, after the words "Hauraki Mining District," the words "the Westland Mining District, or the Karamea Mining District."

Provision for acquisition of fee-simple of lands in Westland and Karamea Mining Districts.

21. The holder of a license to occupy any Crown land or settlement land pending the completion of the purchase of that land on deferred payments shall on the transfer of his interest in the said land give notice of such transfer in writing to the Commissioner, and no such transfer shall be registered under the Land Transfer Act, 1915, unless and until the Registrar is satisfied that the notice required by this section has been duly given.

Notice of transfer of land held under license to occupy to be given to Commissioner.

22. (1.) All moneys expended by the Crown for the improvement, roading, drainage, or otherwise for the benefit or protection of any Crown land leased under the Land Act, 1908, or any former Land Act, may be apportioned by the Minister, in such proportions as he thinks just, between the several holdings of the land in respect of which such moneys are expended, and in such case shall, as from a date to be determined by the Minister, be added to and deemed to form part of the capital value of the said holdings; and the rent payable in respect of any such holding shall, as from the said date, be based on the increased capital value and not on the capital value named in the lease, and the said lease shall be deemed to be modified accordingly.

Moneys expended by Minister for draining and otherwise improving Crown land may be added to capital value.

(2.) On production to him of a memorandum of any increase of the rental payable under any lease pursuant to this section, signed by the Minister, the District Land Registrar shall endorse the said memorandum on the registered copy of the memorandum of lease.

23. (1.) The Minister may, subject to such conditions as he thinks fit, exempt either wholly or in part from the payment of rent under his lease or license any lessee or licensee of Crown land, or settlement land, or of any other land administered by a Land Board, who is or at any time has been a member of an Expeditionary Force raised for military service beyond New Zealand in connection with the present war.

Provision for remission of rent in favour of members of Expeditionary Forces.

(2.) Any exemption under this section may be in respect of such period as the Minister from time to time determines:

Provided that no such exemption shall operate so as to exempt any person from the payment of rent in respect of any period after the expiry of six months from the date of his discharge from military service.

24. (1.) Notwithstanding anything in the principal Act, or the Land for Settlements Act, 1908, an agent duly authorized so to do by any member of an Expeditionary Force raised for military

Agents may select lands on behalf of members of Expeditionary Forces.

service beyond New Zealand in connection with the present war may apply in the prescribed form on behalf of that member for any land that may be open for application under either of the said Acts at any time while the said member is absent from New Zealand on military service.

(2.) Applicants under this section, and also applicants who have at any time been members of any Expeditionary Force as aforesaid, shall at any ballot be entitled to an equal preference with applicants of the classes referred to in section one hundred and three of the principal Act, as amended by section eleven of the Land Laws Amendment Act, 1912, and section thirty-four of the Land Laws Amendment Act, 1913.

(3.) In the absence of any evidence in writing of the appointment by a member of an Expeditionary Force of any other person as his agent for the purposes of this section, the Board may require the agent to make a statutory declaration that he is the duly appointed agent of such member, or may require the agent to produce to the Board such other evidence of his appointment as it thinks fit.

(4.) The Governor may, by Order in Council gazetted, make regulations prescribing forms of application and of declarations to be made for the purposes of this section, and prescribing such other matters as may be deemed necessary for carrying into effect the provisions of this section.
